

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFAEL A. JONES, SR.,

Petitioner,

-against-

MICHELLE HALLETT, *et al.*,

Respondents.

21-CV-5455 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner was incarcerated in the George R. Vierno Center on Rikers Island when he filed this *pro se* petition under 28 U.S.C. §2254, but he was released on June 15, 2021. Petitioner has not updated his address or otherwise communicated with the Court.

Under Rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action *sua sponte* for failure to prosecute after notifying the litigant that it intends to do so. *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001); *see Fields v. Beem*, No. 13-CV-0005 (GTS/DEP), 2013 WL 3872834, at *2 (N.D.N.Y. July 24, 2013) (“A plaintiff is required to notify the Court when his address changes, and failure to do so is sufficient to justify dismissal of a plaintiff’s complaint.”) (collecting cases).

The Court directs Petitioner to update his address of record within 30 days of the date of this order. If Petitioner fail to comply with this order, the Court will dismiss the action without prejudice for failure to prosecute.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket.¹

SO ORDERED.

Dated: June 28, 2021
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

¹ Because Petitioner has not updated his address, in all likelihood he will not receive the order by mail. If Petitioner remains interested in litigating this case, it is his responsibility to find out the status of this case, which he can do by calling the Clerk's Office or visiting in person.